IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 11504 of 1993

Between:

1 M.Narayana S/o.Late M.Chinnaiah
R/o.Cuddapah Dist.
2 S.Yousuf S/o.Shaik Kamal Saheb
R/o.Cuddapah Dist.
3 B.Obulayya S/o.Late B.Obaiah
R/o.Cuddapah Dist.

..... PETITIONER(S)

AND

1 A.P. State Electricity Board Through its Member Secretary
Vidyut Soudha Somajiguda
Hyderabad.
2 The Superintending Engineer APSEB
The Circle Cuddapah Dist
3 The Superintending Engineer APSEB
Operation Cuddapah Dist.
4 The Divisional Electrical Engineer
APSEB Cuddapah.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not promoting the petitioners to the post of Asst Lineman and to further post of Lineman as illegal and arbitrary by directing the respondents to promote the petitioners to the post of Asst Lineman and further post of Lineman from the date of their immediate junior is given promotion by giving all consequential benefits, arrears of salary etc., award costs; and pass.

Counsel for the Petitioner: MR.K.RAGHUVEER REDDY

Counsel for the Respondent No.: MR.Samineni Kishore, S.C. for APSEB

The Court made the following :

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.11504 of 1993

JUDGMENT:

Petitioners, three in number, seek promotion to the post of Assistant Linemen on the ground that persons juniors to them, in the integrated seniority list published by the respondent vide Memo No.DEE/O/CDP/Adm/S-2/78/91 dated 7-4-1991, were promoted to the post of Assistant Lineman.

A Counter affidavit is filed on behalf of respondents wherein it is stated that the seniority list was not published on 7-4-1991 and that the correct date of publication of integrated seniority list was on 7-5-1991. It is further stated that the "327 Union" protested against the said seniority list contending that the petitioners were not entitled for the earlier service rendered by them in T.L.C. to be reckoned for the purpose of seniority in the Cuddapah Division, that persons who worked in the work-charged establishment of T.L.C. Division had been transferred to Cuddapah Division on humanitarian grounds as their services otherwise ought to have been terminated and as such their seniority in the O & M Division (Cuddapah Division) ought to be reckoned from the date on which they joined thereat and their services in the earlier division could not be taken into consideration.

The first respondent, vide Memo DS(PS)/DM.6/1736-T2/91-1 dated 18-11-1991, directed the Chief Engineer to follow the guidelines issued on 15-4-1981 and to recast the inter-se seniority accordingly. Consequently, the Chief Engineer issued Memo dated 26-3-1993 and the petitioners' seniority was re-fixed strictly in accordance with the said memo and the same was communicated on 27-11-1983. Since the seniority list dated 7-5-1991 was provisional, objections were called for and after receipt of objections, the seniority was recast, vide Memo dated 23-4-1993, wherein the petitioners were shown at serial Nos.41(a), 41(b) and 41(e), no reliance can be placed on the earlier seniority list dated 7-5-1991, since it was provisional and has subsequently been recast. The relief sought in this writ petition, for promotion to the post of Assistant Linemen, on the basis of the said seniority list

dated 7-5-1991 which is no longer in force, cannot be granted.

The writ petition is accordingly dismissed. No costs.

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To:

1 A.P. State Electricity Board Through its Member Secretary
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Hyderabad.
2 The Superintending Engineer APSEB
The Circle Cuddapah Dist
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